

**THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
CIVIL CASE NO. 1:11-cv-00159-MR-DLH**

**KIMBERLY S. SISK, individually and)
as mother, natural guardian and)
Guardian ad Litem of S.A.S., a minor,)**

Plaintiff,)

vs.)

ORDER

**ABBOTT LABORATORIES, an)
Illinois corporation,)**
_____)

THIS MATTER is before the Court on the Defendant's Motion for Summary Judgment [Doc. 133]. The Court held a hearing on this motion on November 21, 2013.

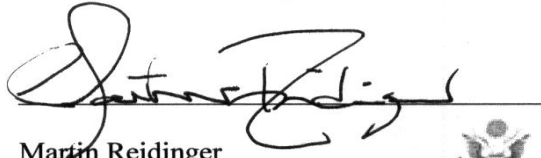
At the hearing, the Plaintiff withdrew her claim of negligent design based on the failure to treat the product with biocide. Accordingly, the Defendant's Motion for Summary Judgment will be granted as to that claim. For the reasons stated in open court, the Defendant's Motion for Summary Judgment is denied with respect to the Plaintiff's remaining claims.¹

¹ As the Court advised the parties at the summary judgment hearing, the Plaintiff's claim for punitive damages has been taken under advisement and will likely be ruled on at the final pretrial conference, currently scheduled for February 27, 2014.

IT IS, THEREFORE, ORDERED that the Defendant's Motion for Summary Judgment [Doc. 133] is **GRANTED** with respect to the Plaintiff's claim for negligent design based on the failure to treat the product with biocide. In all other respects, the Defendant's Motion [Doc. 133] is **DENIED**.

IT IS SO ORDERED.

Signed: February 10, 2014


Martin Reidinger
United States District Judge

